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May 2, 2022

VIA ECF

Hon. Edward J. Kiel
United States Magistrate Judge for the
District of New Jersey
Martin Luther King Building
and U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07102

Re: Helen Natsis, et ano. v.
Richard Turner, et al.,
Case No. 13-cv-07269 – JMV – ESK

Dear Judge Kiel:

Together with Dominick Minervini, I represent plaintiffs Helen Natsis and Konstantinos Natsis in the above-entitled action.¹

I write reluctantly to draw Your Honor's attention to the fact that former Magistrate Judge Mark Falk has not responded in any fashion to his appointment as the Mediator. *See* Order dated March 8, 2022.

Given that Your Honor has scheduled a final pretrial conference for May 5, 2022, it strikes me that several alternatives may be available:

1. Because I wrote on April 12, 2022 (*see* enclosure) to Judge Falk (Dkt. 261) to request that Judge Falk, inter alia, schedule a date for Mediation and provide other guidelines, I am concerned that Judge Falk has not responded to that request for guidance. (Counsel for all parties were served with my April 12, 2022 letter, and no other counsel submitted any comments.)
2. At the March 8, 2022 pretrial conference, which resulted in the appointment of Judge Falk, I believe it is fair to say that the May 5 pretrial conference date was selected in the hope that the Mediation would have taken place by May 5.

¹ Helen Natsis died of Covid-19 on August 31, 2021. She was married for several decades to plaintiff Konstantinos Natsis, who survives her.

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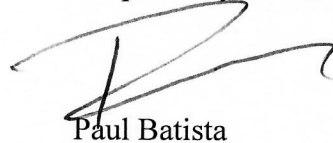
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3. Based on my prior experience with Judge Falk, I had and still have every reason to believe he would serve as an excellent Mediator. Certainly defense counsel expressed no opposition to Judge Falk's appointment as Mediator. If, of course, he does not want to undertake that assignment, it would be a simple exercise to appoint an alternate Mediator.
4. Another alternative is to proceed to jury trial. This case has now been pending for approximately a decade. One of the original plaintiffs, Mrs. Natsis, tragically met her death during the pandemic while the case has been pending. I was retained after Mrs. Natsis' tragic death in August 2021 to bring the case to an expeditious resolution, presumably through a prompt jury trial of the remaining issues. That said, it is our view that a good faith Mediation which *might* result in a settlement could be a wise course of action for all parties involved. Obviously, continued delay with no Mediation and no prospect of settlement tends not to be in the interest of plaintiffs' side of this case.

* * *

We await Your Honor's guidance.

Respectfully submitted,



Paul Batista

cc: All Counsel on Service List
PB/sjg
Enclosures